THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.27860 OF 2005

DATED 29.12.2005

Between:

N.Ramgopal, s/o.N.Pandurangaiah,

50 Years, r/o.8/39, Car Street,

Tadipatri, Ananthapur Dist. … Petitioner.

And

The Regional Transport Officer,

Ananthapur. … Respondent.

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ORDER:

The petitioner is the owner of a vehicle bearing No.AP-02 U-6624. On the ground that the petitioner violated the conditions of permit, the vehicle was seized on 23.7.2005. The petitioner filed W.P.No.16644 of 2005 and on the basis of directions issued therein, the vehicle was released in his favour on deposit of Rs.5,000/-. Thereafter, the respondent issued a notice dated 4.8.2005 as to why a sum of Rs.42,850/- shall not be collected from the petitioner, towards difference of tax. The petitioner claims to have submitted reply dated 30.8.2005.

The case of the petitioner is that he intended to dispose of the vehicle and for that

purpose he approached the respondent for issuance of clearance certificate and he complain that the respondent is not issuing the said certificate, on the ground that the proceedings are pending. He seeks appropriate direction from this Court.

Heard the learned counsel for the petitioner and the learned Government Pleader for transport.

Inasmuch as the respondent had issued a notice dated 4.8.2005 proposing to collect certain amount from the petitioner towards difference of tax, it may not be possible for him to issue no-due certificate. However, the respondent ought not to have kept the matter pending for such a long time, when the explanation was submitted way back on 30.8.2005. Be that as it may, the interest of the State can be protected by directing the petitioner to furnish bank guarantee for the amount and the respondent can be required to issue clearance certificate. If such course is adopted, no prejudice would be caused to the State as such.

Hence, the writ petition is disposed of directing the respondent to issue clearance certificate forthwith to the petitioner on his furnishing bank guarantee for a sum of Rs.42,850/-. The bank guarantee so furnished, shall be subject to the outcome of the proceedings of the respondent, initiated against the petitioner. There shall be no order as to costs.

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29.12.2005.

Note:

Issue C.C. by 30.12.2005.

B/o.

mdaa.